

RODGER R. COLE (CSB NO. 178865)
rcole@fenwick.com
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Telephone: (650) 988-8500
Facsimile: (650) 938-5200

JENNIFER L. KELLY (CSB NO. 193416)
jkelly@fenwick.com
RACHAEL G. SAMBERG (CSB NO. 223694)
rsamberg@fenwick.com
BRIAN W. CARVER (CSB NO. 244878)
bcarver@fenwick.com
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

Attorneys for Defendant Intuit Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INTER-MARK USA, INC., individually
and on behalf of all persons similarly
situated,

Plaintiff,

v.

INTUIT INC.,

Defendant.

Case No. C 07-04178 JCS

**[PROPOSED] ORDER GRANTING
INTUIT'S MOTION TO DISMISS
PLAINTIFF'S CLASS ACTION
COMPLAINT PURSUANT TO RULE
12(b)(6)**

Dept: Courtroom A , 15th Floor
Judge: Hon. Joseph C. Spero

1 Defendant Intuit Inc.'s ("Intuit") Motion to Dismiss Plaintiff Inter-Mark, Inc.'s ("Inter-
2 Mark") Class Action Complaint came on regularly for hearing before this Court on November 9,
3 2007, at 9:30 A.M., in Courtroom A, 15th Floor. Both Intuit and Inter-Mark were represented by
4 counsel. After full consideration of the briefs in support and in opposition thereto, all other
5 papers submitted in connection therewith, all other matters on file in this action and presented to
6 the Court, and having heard the arguments of counsel,

7 IT IS HEREBY ORDERED that Intuit's Motion is **GRANTED**, and all claims in Inter-
8 Mark's Class Action Complaint are **DISMISSED**.

9 IT IS SO ORDERED.
10

11 Dated: _____, 2007

12 Hon. Joseph C. Spero
13 United States Magistrate Judge

14 16319/40029/LIT/1273636.2
15
16
17
18
19
20
21
22
23
24
25
26
27
28